

REMARKS

This Amendment responds to the Office Action dated April 21, 2004, in which the Examiner withdrew the election of species, rejected claims 1, 2, 4-7 and 10-69 under 35 U.S.C. §112, second paragraph, objected to claims 3, 8 and 9 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, and stated that claims 1, 2, 4-7 and 10-63, 65 and 69 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph.

As indicated above, objected to original claim 3 has been incorporated into claim 1. Therefore, applicants respectfully request the Examiner withdraws the rejection to claims 1, 2, 4-7 and 10-64 under 35 U.S.C. §112, second paragraph. Furthermore, applicants respectfully request the Examiner withdraws the objection to claims 8 and 9. Furthermore, amended claim 3 depends from an allowable claim, therefore, applicants respectfully submit that amended claim 3 is also in condition for allowance.

Claims 65 and 66 have been amended to claim non-chiral liquid crystal materials. Claims 67 and 68 have been canceled without prejudice and claim 69 has been amended to clarify that the liquid crystal material is a surface-stabilized material. Therefore, applicants respectfully request the Examiner withdraws the rejection to claims 65, 66 and 69 under 35 U.S.C. §112, second paragraph.

Applicants respectfully point out to the Examiner that claim 64 is directed to a device and does not recite the feature uniaxial negative or negative birefringence. Additionally, the Examiner's attention is directed to Figure 19 and the corresponding description on page 32 for support for claim 64, and in particular to the case where no electric field is applied. In that case, the domains will not "be seen" since the

optical axes for all domains are directed perpendicular to the device surface.

Applicants respectfully submit that claim 64 should be understood by a person of skill in the art. Therefore, applicants respectfully request the Examiner withdraws the rejection to claim 64 under 35 U.S.C. §112, second paragraph.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge
our Deposit Account No. 02-4800.

Respectfully submitted,

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